

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

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In re:

PROMESA
Title III

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

No. 17 BK 3283-LTS

THE COMMONWEALTH OF PUERTO RICO
et al.,

(Jointly Administered)

Debtors.¹
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ORDER REGARDING NOTICE OF CONSTITUTIONAL CHALLENGE TO A STATUTE

The Court has received and reviewed the *Notice of Constitutional Challenge to a Statute* (Docket Entry No. 18900 in Case No. 17-3283, the “Notice”), filed by Peter Hein, providing notice that the *Objection to Confirmation of Plan by Individual GO and PBA Bondholder (Peter C. Hein)* (Docket Entry No. 18575 in Case No. 17-3283, the “Proposed Plan Objection”) and Objection to Proposed Order and Judgment Confirming Seventh Amended Title III Joint Plan of Adjustment of the Commonwealth of Puerto Rico, Filed by Individual GO Bondholder (Peter C. Hein) (Docket Entry No. 18647 in Case No. 17-3283, the “Proposed Order Objection” and, together with the Proposed Plan Objection, the “Objections”), filed by Peter Hein raise questions as to the constitutionality of the Puerto Rico Oversight, Management, and Economic Stability Act (“PROMESA”), 48 U.S.C. § 2101 et seq. The Notice requests that the Court certify to the Attorney General that the constitutionality of PROMESA has been drawn into question. (Notice at 2.)

The Notice, however, seeks an order from the Court that has already been issued. Peter Hein filed his Proposed Plan Objection on October 19, 2021, which sets forth his

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (“Commonwealth”) (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

constitutional challenges to PROMESA. On October 21, 2021, this Court entered an *Order Regarding Notice of Constitutional Challenges to a Statute* (Docket Entry No. 18620 in Case No. 17-3283, the “Notice Order”), certifying generally the assertion of constitutional challenges to PROMESA, including those raised by Peter Hein. (See Notice Ord. at 1-2.) Peter Hein then filed his Notice a week later, on October 29, 2021. Accordingly, because the Court’s Notice Order contemplated Peter Hein’s Proposed Plan Objection, among other plan objections that were timely filed, no further notice appears to be necessary.

Nevertheless, in the interest of completeness, it is hereby ORDERED that the Clerk of this Court shall forward a copy of this Order, the Notice Order, the Plan (Docket Entry No. 17627 in Case No. 17-3283) and Peter Hein’s Objections (Docket Entry Nos. 18575 and 18647 in Case No. 17-3283) to the Attorney General of the United States.

This Order resolves Docket Entry No. 18900 in Case No. 17-3283.

SO ORDERED.

Dated: November 2, 2021

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge